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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,142	10/31/2003	Scott E. Moore	500170.14 (29785/US/7)	2932

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EXAMINER
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RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/698,142

**Applicant(s)**

MOORE, SCOTT E.

**Examiner**

M Rachuba

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 85-96 is/are pending in the application.
- 4a) Of the above claim(s) 94-96 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 85-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 December 2005 (CoM dated 05 December 2005) has been entered.

### ***Election/Restrictions***

2. Applicant's election without traverse of species 1 in the reply filed on 29 November 2004 is acknowledged.
3. Claims 94-96 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 29 November 2004.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 85, 88 and 91-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolles et al US005738574A in view of Wilson et al, US006149512A, as set forth in the Office action mailed 24 February 2005 and 05 August 2005.
6. Claims 85 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al, US006149512A in view of Tolles et al US005738574A, as set forth in the Office action mailed 24 February 2005 and 05 August 2005.
7. Claims 86 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tolles et al US005738574A in view of Wilson et al, US006149512A as applied to claim 85 above, and further in view of Inaba et al, US006093080A, as set forth in the Office action mailed 24 February 2005 and 05 August 2005.
8. Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al, US006149512A in view of Tolles et al US005738574A and further in view of Tietz US006135859A, as set forth in the Office action mailed 24 February 2005 and 05 August 2005.

### ***Response to Arguments***

9. Applicant's arguments filed 08 December 2005 have been fully considered but they are not persuasive. Applicant argues that Tolles does not disclose moving at least one of the conditioning body and the continuous planarizing medium relative to the other while the conditioning body contacts the continuous planarizing medium to generate a frictional force between the conditioning body and the continuous planarizing medium, transmitting a force to a force sensor indicative of the frictional force by the frictional force urging the conditioning body laterally across the continuous planarizing

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medium. The examiner does not agree. Tolles, column 6, lines 50 through column 7 lines 56, discusses the conditioning device and how the frictional force is detected. As the frictional force between the medium and conditioning body changes, the amount of torque required to drive the conditioning body increases or decreases (therefore the frictional force is detected). The increase or decrease in drive torque is inherently a result of the rotation of the shaft (the first support) that connects the conditioner body to the rotational drive. If the conditioner body moves from a glazed section of the medium, (where the frictional force between the body and medium is low, therefore the torque required to drive the shaft is low) to an unglazed section, the torque changes because the rotational speed of the body, and therefore the shaft supporting the body, changes. The frictional force is detected by movement of the first support member (the shaft connecting the body to the drive) relative to the drive, in that the drive acts as a force sensor. The frictional force between the conditioning body and the planarizing medium **must** be a lateral force, caused by the conditioning body moving laterally across the planarizing medium. As the conditioning body is moved across the medium, and as it encounters glazed and unglazed portions of the medium, the frictional force resisting the lateral movement increases or decreases, and this transmits a force (change in torque) to a force sensor (the motor) indicative of the frictional force by the frictional force urging the conditioning body laterally across the planarizing medium. Again, barring further limitations to steps directed to the specific type of sensor, and how it is connected to the conditioning device, it is the examiner's position that Tolles does disclose the claimed method, albeit with a rotating polishing medium, rather than the

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linear medium taught by Wilson. Applicant is encouraged to amend the claims to specify the type of sensor, and its connection to the conditioning device. It is the examiner's position that such amendment would overcome the reference to Tolles.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493. The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba  
Primary Examiner  
Art Unit 3723

3/21/06